

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**


ALEXANDRIA ALEMAN AND
AIMEE GARZA

Plaintiffs,

V.

**TRANSPORT INDIANA LLC,
AND SCOTTY CANTRELL**

Defendants.



Civil Action No. 3:21-cv-84

DEFENDANT TRANSPORT INDIANA, LLC'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Notice is hereby given that, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Transport Indiana, LLC (“Transport Indiana” or “Defendant”) hereby removes this Action from the 34th Judicial District Court of El Paso County, to the United States District Court for the Western District of Texas, El Paso Division, and would respectfully show as follows:

I. PARTIES

1. Plaintiff Alexandra Aleman (“Aleman”) is an individual residing in Harris County, Texas. For the purposes of diversity, Plaintiff is a citizen of Texas.

2. Plaintiff Aimee Garza (“Garza”) is an individual residing in Harris County, Texas. For the purposes of diversity, Plaintiff is a citizen of Texas.

3. Defendant Transport Indiana, LLC is a limited liability company. Transport Indiana's only member is Patrick Transportation, LLC. Patrick Transportation, LLC is a limited liability company. Patrick Transportation, LLC's only member is Patrick Industries, Inc. Patrick Industries, Inc. is an Indiana corporation with its principal place of business in Indiana. As a result, for the purposes of diversity, Transport Indiana, LLC is a citizen of Indiana, and is not a citizen of Texas.

4. Defendant Scotty Cantrell ("Cantrell") is an individual who resides in Carlisle, Arkansas. For the purposes of diversity, Cantrell is a citizen of Arkansas and is not a citizen of Texas.

II. THE STATE COURT ACTION

5. On February 11, 2021, Plaintiffs filed their Original Petition in the 34th Judicial District Court of El Paso County, in an action styled *Alexandria Aleman and Aimee Garza v. Transport Indiana LLC and Scotty Cantrell*, Cause No. 2021DCV0517 (the "State Court Action"). Transport Indiana was served with process on March 2, 2021. Cantrell has not yet been served. Transport Indiana filed its Original Answer on March 29, 2021.

6. Plaintiffs' claims arise from a motor vehicle accident that occurred on December 15, 2019 in Bee County, Texas. Plaintiffs bring claims of negligence, negligent hiring, gross negligence, and negligence per se against Transport Indiana as a result of the incident.

7. With this Notice of Removal, Defendant removes the State Court Action to this Court on the basis of diversity jurisdiction, as more fully described herein.

III. BASIS FOR REMOVAL

8. The State Court Action is removable pursuant to 28 U.S.C §§ 1441(a)-(b) and 28 U.S.C. 1332(a)(1). This lawsuit is a civil dispute between citizens of different states. There is and was at all relevant times (including the time of filing the State Court Action, service of the Petition, and the filing of this Notice of Removal) complete diversity of citizenship between parties.

9. The amount in controversy in this lawsuit exceeds \$75,000, exclusive of interest and costs, as evidenced by the eighth paragraph of page 2 of Plaintiffs' Original Petition, included at **Exhibit B-1** attached hereto and incorporated herein by reference. In their Petition, Plaintiffs seek to recover monetary relief over \$1,000,000.00.

10. Because Plaintiffs and Defendants are citizens of different states and the amount in controversy exceeds the \$75,000 requirement, this Court has original jurisdiction and removal is proper.

IV. VENUE

11. Venue is proper in this Court under 28 U.S.C. § 1441(a) because the district and division of this Court include El Paso County, Texas, the place where Plaintiffs filed their State Court Action.

V. COMPLIANCE WITH REMOVAL REQUIREMENTS

12. This Notice of Removal is timely filed under 28 U.S.C. §§ 1446(a)-(b). This Notice of Removal is filed within thirty days of March 2, 2021, the date Transport Indiana was first served with process and a copy of Plaintiffs' Original Petition in the State Court Action, the initial pleading setting forth the claim for relief upon which this Action based. This Notice of Removal is also filed within one year of the filing of the Petition on February 11, 2021.

13. Plaintiffs filed their Original Petition in the 34th Judicial District Court of El Paso County, Cause 2021DCV0517. In accordance with 28 U.S.C. § 1446(d), written notice of this Notice of Removal will be promptly given to Plaintiffs, through their counsel of record, and a copy of this Notice of Removal will be filed with the clerk of the 34th Judicial District Court of El Paso County, Texas, where the State Court Action is pending.

14. Pursuant to 28 U.S.C. § 1446(a), a copy of all executed process, pleadings asserting causes of action, and orders in the State Court Action are attached hereto as **Exhibits B-1 through B-6**.

15. By filing this Notice of Removal, Defendant does not intend to waive any defenses it may have to Plaintiffs' claims.

VI. CONCLUSION

WHEREFORE, Defendant Transport Indiana, LLC requests that this Court accept jurisdiction over this lawsuit for the reasons set forth above and grant it such other and further relief, both at law and in equity, to which it may be justly entitled.

Respectfully submitted,

/s/ Mark S. Scudder

MARK S. SCUDDER

State Bar No. 17936300

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CERTIFICATE OF SERVICE

On April 1, 2021, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Mark S. Scudder

Mark S. Scudder